



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

FEB 18 1993

Dockets 50-445; 50-446
Licenses NPF-87; NPF-88

TU Electric
ATTN: W. J. Cahill, Jr., Group Vice President
Nuclear Engineering and Operations
Skyway Tower
400 North Olive Street, L.B. 81
Dallas, Texas 75201


SUBJECT: OI INVESTIGATION 4-90-007

This is to inform you that the NRC's Office of Investigations (OI) completed an investigation into allegations made in 1988 that "hush money" had been paid to prevent individuals from presenting safety information to an NRC licensing board and that TU Electric officials made material false statements to the licensing board to conceal significant safety flaws in pipe support designs.

The investigation did not produce sufficient evidence to substantiate the allegations. The synopsis from the investigation report is attached. The NRC has completed its review of this matter and plans no further action.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its attachment will be placed in the NRC's Public Document Room.

Sincerely,


James L. Milhoan
Regional Administrator

Attachment: Synopsis (OI4-90-007)

cc w/attachment:

TU Electric
ATTN: Roger D. Walker, Manager of
Regulatory Affairs for Nuclear
Engineering Organization
Skyway Tower
400 North Olive Street, L.B. 81
Dallas, Texas 75201

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PDR ADOCK 05000445
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bcc distrib. by RIV:

J. L. Milhoan

DRP

Lisa Shea, RM/ALF, MS: MNBB 4503

DRSS-FIPS

Project Engineer (DRP/B)

DRS

R Wise

G Sanborn

L Williamson, OI

DMB - IE54

Resident Inspector (2)

Section Chief (DRP/B)

MIS System

RIV File

Section Chief (DRP/TSS)

Coordinated w/OI

EQ <i>ES</i>	AC <i>DS</i>	D:RIVOIFO	RC <i>WBS</i>	C:DRP/B
G Sanborn	R Wise	L Williamson	W Brown	L Yandell <i>ey</i>
2/8/93	2/8/93	2/ /93	2/8/93	2/16/93

DRP for

D:DRP	DRA <i>MS</i>	RA <i>MI</i>		
A B B <i>AB</i>	J Montgomery	J Milhoan		
2/17/93	2/15/93	2/15/93		

TU Electric

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Juanita Ellis
President - CASE
1426 South Polk Street
Dallas, Texas 75224

GDS Associates, Inc.
Suite 720
1850 Parkway Place
Marietta, Georgia 30067-8237

TU Electric
Bethesda Licensing
3 Metro Center, Suite 610
Bethesda, Maryland 20814

Jorden, Schulte, and Burchette
ATTN: William A. Burchette, Esq.
Counsel for Tex-La Electric
Cooperative of Texas
1025 Thomas Jefferson St., N.W.
Washington, D.C. 20007

Newman & Holtzinger, P.C.
ATTN: Jack R. Newman, Esq.
1615 L. Street, N.W.
Suite 1000
Washington, D.C. 20036

Texas Department of Licensing & Regulation
ATTN: G. R. Bynog, Program Manager/
Chief Inspector
Boiler Division
P.O. Box 12157, Capitol Station
Austin, Texas 78711

Honorable Dale McPherson
County Judge
P.O. Box 851
Glen Rose, Texas 76043

Texas Radiation Control Program Director
1100 West 49th Street
Austin, Texas 78756

Owen L. Thero, President
Quality Technology Company
Lakeview Mobile Home Park, Lot 35
4793 E. Loop 820 South
Fort Worth, Texas 76119

SYNOPSIS

On April 3, 1990, the Executive Director for Operations, Nuclear Regulatory Commission (NRC), requested that an investigation be initiated after an alleged filed a pleading with the NRC on July 6, 1988, claiming that his former legal counsel and the Government Accountability Project (GAP) had entered into a secret settlement that would have required the alleged to forego his rights to raise concerns and/or appear as a witness in the Comanche Peak Steam Electric (CPSES) Atomic Safety Licensing Board (ASLB) hearings. On July 10, 1988, this same individual sent a letter to the NRC alleging that "certain managers and engineers still employed on site by Texas Utilities" had presented "perjured testimony" or had made deliberate misstatements to the NRC and the ASLB. Similar concerns were related in a 10 CFR 2.206 petition filed on July 30, 1991, by the alleged's attorneys.

The alleged filed a discrimination complaint with the Department of Labor (DOL), and it was determined he was not discriminated against by Texas Utilities (TU). An appeal was made to the Administrative Law Judge (ALJ) and subsequently to the Secretary of Labor with a final ruling against the alleged.

The Office of Investigations (OI) made numerous attempts to interview the alleged without success. Counsel for the alleged told OI that the alleged had presented all of his concerns and speaking with him would be a "rehash" of previously identified information. Based on a review of available documentation and the NRC staff's determination that the alleged's stated concerns had been previously resolved by the NRC, this investigation failed to substantiate allegations that the TU settlement constituted "hush money" and prevented the alleged from presenting safety information to the ASLB, and that TU officials made material false statements to the ASLB in order to conceal significant safety flaws in the design of the CPSES pipe support system.

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bcc distrib. by RIV:

J. L. Milhoan
 DRP
 Lisa Shea, RM/ALF, MS: MNBB 4503
 DRSS-FIPS
 Project Engineer (DRP/B)
 DRS
 Rwise
 GSanborn
 LWilliamson, OI
 DMB - IE54

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Coordinated
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EO <i>[Signature]</i>	AC <i>[Signature]</i>	D:RIVOIFO	RC <i>[Signature]</i>	C:DRP/B
GSanborn	RWise	LWilliamson	WBrown	LYandell <i>[Signature]</i>
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D:DRP	DRA <i>[Signature]</i>	RA <i>[Signature]</i>		
ABBeach	JMontgomery	JMilhoan		
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